

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERARDO MIGUEL BAEZ DURAN AND WILSON
FRANCISCO SANCHEZ CRUZ, individually and on
behalf of others similarly situated,

Plaintiffs,

-v-

E L G PARKING INC. d/b/a E L G PARKING INC., et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 6685 (GBD) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 2, 2020, the Court granted E. Dubois Raynor's Letter-Motion to Withdraw as counsel for Defendant Raymond Lopez and ordered Mr. Raynor to file, by November 9, 2020, a letter asserting whether he will be asserting a retaining or charging lien and providing Mr. Lopez's contact information if he will be proceeding pro se. (ECF No. 85). Mr. Raynor failed to comply with this order.

On November 9, 2020, Plaintiffs filed a Letter-Motion requesting a pre-motion conference pursuant to Local Rule 37.2 concerning several discovery disputes. (ECF No. 86). Defendants failed to oppose Plaintiff's Letter-Motion. Accordingly, the Court ORDERS as follows:

1. By **Tuesday, November 17, 2020**, Mr. Raynor shall fully comply with the Court's order contained in ECF No. 85 and shall file on ECF a letter with Defendant Raymond Lopez's contact information.
2. By **Monday, November 23, 2020**, Defendants shall produce all documents identified in the Court's order at ECF No. 81, including:

- a. tax returns, financial documents and organizational documents reflecting Defendant Bishop Joseph Alexander's connection to, and affiliation with, defendant ELG Parking Inc.
3. By **Friday, December 11, 2020**, Defendant Joseph Alexander shall appear for a deposition, which, as the Court ordered on October 6, 2020, is not limited in scope to the issue of Defendants' financial status. (See ECF No. 81).
4. By **Friday, December 11, 2020**, a Fed. R. Civ. P. 30(b)(6) witness representing Defendant E L G Parking Inc. shall appear for a deposition. Defendants shall designate this witness by **Monday, November 23, 2020**.

The Court is very troubled by Defendants' responses to Plaintiff's First Set of Interrogatories and Document Requests ("Plaintiffs' Discovery Demands"). As to each of 86 Document Requests, Defendants have responded nearly identically that "Defendant objects to this question as being too broad and/or requesting privileged information." (ECF No. 86-2 at 2–13). Similarly, Defendants' Interrogatory responses largely consist of an objection and a refusal to respond. (Id. at 13–29). These form responses are patently improper. See Fischer v. Forrest, No. 14 Civ. 1304 (PAE) (AJP), 2017 WL773694 (S.D.N.Y. Feb. 28, 2017). Accordingly, the Court ORDERS that by **Monday, November 23, 2020**, Defendants shall file supplementary responses to Plaintiffs' Discovery Demands.

The parties shall confer concerning the extent of Plaintiffs' reasonable expenses, including costs and attorneys' fees, incurred in raising this dispute (ECF No. 86) with the Court. If the parties are unable to resolve payment of these expenses, Plaintiffs may, at the conclusion of fact discovery, file a motion for costs and fees.

Dated: New York, New York
November 16, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge